

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH TORRES,

Plaintiff,

v.

No. 10-cv-0267 BB/SMV

**JOE WILLIAMS; GEORGE TAPIA;
JOE PACHECO, Unit Manager; FNU GATTI;
FNU VARGASS, Correctional Officer;
FNU BURNING, Correctional Officer;
DAVID GALLEGOS, Transport Officer;
CMS MEDICAL STAFF; and FNU BELL, Sgt.,**

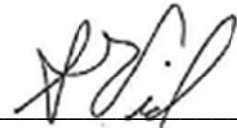
Defendants.

ORDER DIRECTING PERSONAL SERVICE

THIS MATTER is before the Court sua sponte pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. Pro. 4(c), (d). Plaintiff is appearing pro se and proceeding *in forma pauperis* under 28 U.S.C. § 1915. Civil Rights Complaint Pursuant to 28 U.S.C. § 1983 [Doc. 1] (“Complaint”); Memorandum Opinion and Order [Doc. 14] at 3. It appears to the Court that personal service of the summons and complaint is required in this matter for Defendant FNU Burning. *See* Fed. R. Civ. P. (4)(d)(1)(F). Under Fed. R. Civ. P. 4(d)(2), the Court shall impose costs of service on a Defendant who, without good cause, does not comply with a request to waive service. On December 13, 2010, the Honorable Bruce D. Black, Chief United States District Judge, directed that notice and waiver of service forms, with a copy of the complaint, be sent to FNU Burning, among others. Memorandum Opinion and Order [Doc. 14] at 4. To date, no waiver of service was ever filed by or on behalf of Defendant FNU Burning.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that summons shall be issued and the U.S. Marshal shall serve the summons and complaint personally on Defendant FNU Burning, as directed by the Clerk. The service of the summons and complaint shall be at no cost to Plaintiff.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge